

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

Emergent Fidelity Technologies, Ltd.,

Debtor.<sup>1</sup>

Chapter 11

Case No. 23-10149 (JTD)

**Re: D.I. 63**

**Requested Hearing Date:**  
**March 14, 2023, at 10:00 a.m. (ET)**

**Requested Objection Deadline:**  
**March 13, 2023, at 4:00 p.m. (ET)**

**BLOCKFI'S MOTION TO SHORTEN NOTICE  
WITH RESPECT TO MOTION TO STRIKE**

BlockFi Inc., BlockFi Lending LLC, and BlockFi International LLC (together, "BlockFi"), hereby move (this "Motion to Shorten")<sup>2</sup> for entry of an order (the "Proposed Order"), attached hereto as **Exhibit A**, scheduling the hearing on shortened notice for **March 14, 2023, at 10:00 a.m. (ET)** with respect to the concurrently filed *BlockFi's Motion to Strike (I) FTX Debtors' Opposition to BlockFi's Motion to Dismiss and (II) Joinder of the Official Committee of Unsecured Creditors of the FTX Debtors to the FTX Debtors' Opposition to BlockFi's Motion for Entry of an Order Dismissing the Debtor's Chapter 11 Case [D.I. 63]* (the "Motion to Strike"). In support of this Motion to Shorten, BlockFi respectfully represents as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and the *Amended Standing Order of Reference from the United States District Court for the*

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<sup>1</sup> The Debtor in this Chapter 11 case is Emergent Fidelity Technologies Ltd., a company formed under the laws of Antigua and Barbuda with registration number 17532 as identified by the Antigua and Barbuda Financial Services Regulatory Commission. The Debtor's principal place of business is Unit 3B, Bryson's Commercial Complex, Friars Hill Road, St. John's, Antigua and Barbuda.

<sup>2</sup> Capitalized terms not defined herein are defined in the Motion to Strike.

*District of Delaware* dated February 29, 2012. This is a core proceeding under 28 U.S.C. § 157(b). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409. Pursuant to Local Rule 9013-1(f), BlockFi consents to the entry of a final order by the Court in connection with this Motion if it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

2. The statutory and legal predicates for the relief requested herein are Bankruptcy Code section 105, Bankruptcy Rules 2002 and 9006, and Local Rule 9006-1(e).

### **BACKGROUND**

3. On February 3, 2023, Emergent Fidelity Technologies Ltd. (“Emergent”) filed the above-captioned case in this Court.

4. Thereafter, BlockFi filed *BlockFi’s Motion for Entry of an Order Dismissing the Debtor’s Chapter 11 Case* [D.I. 32] (the “Motion to Dismiss”).

5. On March 3, 2023, the FTX Debtors filed their objection [D.I. 41] to the Motion to Dismiss and the FTX Committee joined [D.I. 50] in the FTX Debtors’ objection.

### **RELIEF REQUESTED**

6. BlockFi respectfully requests entry of the Proposed Order, attached hereto as **Exhibit A**, setting the hearing for the Motion to Strike on **March 14, 2023, at 10:00 a.m. (ET)**, with any objection due **by March 13, 2023, at 4:00 p.m. (ET)**.

### **BASIS FOR RELIEF**

7. Pursuant to Bankruptcy Rule 9006(c), “the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Fed. R. Bankr. P. 9006(c)(1). In exercising such discretion, the court should “consider the prejudice to parties entitled to notice and weigh this against the reasons for hearing the motion on an expedited basis.” *In re Philadelphia Newspapers, LLC*, 690 F.3d 161, 172 (3d Cir. 2012) (noting the common filing

of such motions “given the accelerated time frame of bankruptcy proceedings”). Local Rule 9006-1(e) likewise provides for shortened notice “by order of the Court, on written motion . . . specifying the exigencies justifying shortened notice.” Del. Bankr. L.R. 9006-1(e).

8. Sufficient cause exists for the relief requested in this Motion to Shorten. As set forth in the Motion to Strike, BlockFi seeks to strike and preclude certain oppositions to the Motion to Dismiss filed by the FTX Debtors and the FTX Committee. It is imperative that the Court hears the Motion to Strike at the same time as the Motion to Dismiss because the relief sought in the Motion to Strike relates directly to arguments made in connection with the Motion to Dismiss—which is currently set to be heard on March 14, 2023, at 10:00 a.m. (ET). Because the Court and the parties should understand what arguments and evidence the Court will consider in issuing its ruling on the Motion to Dismiss, it is necessary that both motions are heard at the same time. Accordingly, BlockFi submits that the Court should hear the Motion to Strike at the hearing scheduled for March 14, 2023, at 10:00 a.m. (ET).

**AVERMENT PURSUANT TO LOCAL RULE 9006-1(e)**

9. Pursuant to Local Rule 9006-1(e), BlockFi reached out to Emergent, the Office of the United States Trustee for the District of Delaware, counsel to the FTX Debtors, and counsel to the FTX Committee prior to filing this Motion to Shorten.

10. The Office of the United States Trustee for the District of Delaware does not object to the shortened notice requested herein. Emergent, the FTX Debtors, and the FTX Committee do not consent to the relief requested herein.

**NOTICE**

11. Notice of this Motion will be provided to: (i) Emergent, (ii) the Office of the United States Trustee for the District of Delaware, (iii) counsel to the FTX Debtors, (iv) counsel to the

FTX Committee, and (v) any party entitled to receive notice pursuant to Federal Rule of Bankruptcy Procedure Rule 2002. In light of the nature of the relief requested herein, BlockFi submits that no other or further notice of hearing is required or necessary.

**CONCLUSION**

12. For the reasons stated herein, BlockFi respectfully requests that the Court enter the Proposed Order, attached hereto as **Exhibit A**, scheduling the hearing to consider the Motion to Strike on **March 14, 2023, at 10:00 a.m. (ET)** and grant such further relief as the Court deems just and proper.

Dated: March 9, 2023  
Wilmington, Delaware

**MORRIS NICHOLS ARSHT & TUNNELL  
LLP**

/s/ Derek C. Abbott

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